

Timothy E. Warriner (SB#166128)
Attorney at Law
455 Capitol Mall, Suite 802
Sacramento, CA 95814
tew@warrinerlaw.com
(916) 718-9516

Attorney for Defendant,
Diana Cervantes

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)	Case No. 2:21-CR-00109-DAD
)	
Plaintiff,)	STIPULATION AND ORDER
)	CONTINUING THE JUDGMENT AND
vs.)	SENTENCING OF MS. CERVANTES, AND
)	THE STATUS CONFERENCE FOR MR.
DIANA CERVANTES and VICTOR)	VELAZQUEZ AND EXCLUDING TIME
)	UNDER THE SPEEDY TRIAL ACT;
MANUEL VELAZQUEZ,)	FINDINGS AND ORDER
)	
Defendants.)	

STIPULATION

The government, on behalf of Assistant United States Attorney Emily Sauvageau, Ms. Cervantes, represented by attorney Timothy E. Warriner, and Mr. Velazquez, represented by attorney Timothy Zindel, hereby stipulate and agree to the following:

1. The date for Ms. Cervantes' judgment and sentencing be continued to June 9, 2025, at 9:30 a.m.. Defense counsel for Ms. Cervantes was recently assigned to this matter and additional time is needed to prepare for the probation interview and to obtain materials for submission to the probation officer and to the court.
2. Mr. Velazquez's matter will also be continued to June 9, 2025, for a status conference, and time will be excluded from March 17, 2025, to June 9, 2025, pursuant to 18 U.S.C. § 3161(h)(7)(A), B(ii), (iv) (Local Codes T2 and T4).

- a. The government has produced over 100,000 pages of discovery and voluminous audio and audio/video discovery, including interceptions over multiple wiretapped telephones as well as recordings of controlled purchases of narcotics. Many of the recordings are in Spanish. Additionally, this case is particularly complex as it concerns twelve charged defendants.
- b. Although it is anticipated that the government will move to dismiss the case against Mr. Velazquez once Ms. Cervantes is sentenced, if the case were to proceed to trial, counsel would need additional time to prepare.
- c. Consequently, counsel for Mr. Velazquez believes that the failure to grant the above requested continuance would deny him the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.
- d. The government does not object to the continuance and to the proposed exclusion of time.
- e. Based on the above-stated findings, the ends of justice served by continuing the case as requested outweigh the interests of the public and Mr. Vellazquez in a trial within the time prescribed by the Speedy Trial Act.
- f. For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, *et seq.*, within which trial must commence, the time period of March 17, 2025, to June 9, 2025, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(ii), (iv) (Local Codes T2 and T4) because it results from a continuance granted by the court at defendant's request on the basis of the court's finding that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial.

g. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

3. The parties request that the court adopt the following schedule concerning the presentence investigation report (PSR) in relation to Ms. Cervantes:

All sentencing memoranda and any reply or statement of non-opposition filed no later than : June 2, 2025

Formal objections to the PSR shall be filed with the court and served on the probation officer and opposing counsel no later than : May 26, 2025

Final PSR filed with the court and disclosed to counsel no later than : May 19, 2025

Counsel's informal objections to the PSR shall be delivered to the probation officer and opposing counsel no later than : May 12, 2025

Draft PSR shall be filed and disclosed to counsel by : April 28, 2025

IT IS SO STIPULATED.

DATED: March 7, 2025 /s/ Timothy E. Warriner, Attorney for defendant,
Diana Cervantes

DATED: March 7, 2025 /s/ Timothy Zindel, Attorney for defendant, Victor
Velazquez

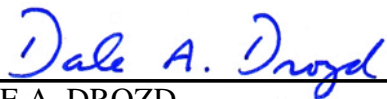
DATED: March 7, 2025 /s/ Emily Sauvageau, Assistant United States
Attorney, for the government

ORDER

Pursuant to the stipulation of the parties and good cause appearing, the judgment and sentencing hearing for Diana Cervantes previously scheduled for March 17, 2025, is continued to June 9, 2025, at 9:30 a.m. The status conference for Victor Velazquez previously scheduled for March 17, 2025, is also continued to June 9, 2025, at 9:30 a.m., and time is excluded between March 17, 2025, and June 9, 2025, pursuant to 18 U.S.C. § 3161(h)(7)(A), B(ii), (iv) (Local Codes T2 and T4). The above stipulation of the parties concerning the PSR and related filing dates is adopted by the court.

IT IS SO ORDERED.

Dated: March 11, 2025



DALE A. DROZD
UNITED STATES DISTRICT JUDGE